

**BARNES & THORNBURG LLP**

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***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Customer No. 23643

Group: 1651

Confirmation No.: 7977

Application No.: 10/634,292

Invention: **Nano-Structured Polymers For Use  
As Implants**

Inventor: Haberstroh et al.

Filed: August 5, 2003

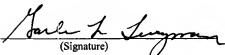
Attorney

Docket: 3220-73239

Examiner: Davis, Ruth A.

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}  
} I hereby certify that this correspondence is being  
} filed electronically in the United States Patent and  
} Trademark Office

} on March 9, 2007

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}  
}  
}   
} (Signature)

} Garla L. Twyman  
} (Printed Name)

**CORRECTION OF LARGE ENTITY STATUS-ASSERTION OF SMALL ENTITY  
STATUS UNDER 37 C.F.R. § 1.27(c)(1)**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The captioned application was filed on August 5, 2003, with payment of the basic filing fee for a small entity (copy of check and postcard attached) Small entity status was established in good faith, and the small entity filing fee was paid in good faith, as the assignee, Purdue Research Foundation, is a small entity as defined by 37 C.F.R. § 1.27(a)(3)(ii). Applicants subsequently filed a CORRECTION OF SMALL ENTITY STATUS UNDER 37 C.F.R. § 1.28(c) on February 4, 2004, and submitted check number 335387 in the amount of \$635.00 for a total deficiency payment then believed to be owed. The total deficiency of \$635.00 represented the (then) difference between the basic filing fee

and the extra claims fees, and the (then) current fees for other than a small entity, as follows in accordance with the requirements of 37 C.F.R. § 1.28(c)(2):

Date	Item	Check No.	Fee Paid (\$)	Current Fee Amount (\$)	Deficiency (\$)
8/5/03	1.16(a) basic filing fee	328989	375	770	395
8/5/03	1.16(b) excess independent claims fee (3)	328989	126	258	132
8/5/03	1.16(c) excess total claims fee (12)	328989	108	216	108
					635

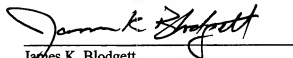
Applicants' filing a CORRECTION OF SMALL ENTITY STATUS UNDER 37 C.F.R. § 1.28(c) on February 4, 2004 was based on Applicants' belief, in light of the invention described in the captioned application having been funded at least in part by a grant from the National Science Foundation (Grant No. 9972770-DGE) and thereby requiring that a non-exclusive license be granted to the National Science Foundation (i.e., to the U.S. Government), that small entity status for the captioned application had been established in error (vis-à-vis 37 C.F.R. § 1.27(a)(3)(i)).

Applicants' subsequent review of 37 C.F.R. § 1.27(a)(4)(ii) revealed that "[f]or small business concerns and nonprofit organizations under paragraphs (a)(2) and (a)(3) of this section, a license to a Federal agency resulting from a funding agreement with that agency pursuant to 35 U.S.C. 202(c)(4) does not constitute a license for the purposes of paragraphs (a)(2)(i) and (a)(3)(i) of this section." Thus, large entity status for the captioned application was, in fact, established in error.

Applicants' review of 37 C.F.R. § 1.28(d) revealed that "[a]ny deficiency payment (based on a previous erroneous payment of a small entity fee) submitted under paragraph (c) of this section will be treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status." Thus, notwithstanding Applicants' original payment of small entity fees, which payment Applicants now believe reflects the correct payment status, Applicants also believe that small entity status has effectively been lost, thereby requiring written assertion of entitlement thereto in order to again obtain small entity status.

Accordingly, Applicants hereby assert that small entity status is entitled to be asserted for the captioned application. The Commissioner is hereby authorized to charge any fees that may be due in connection with the instant change from large entity to small entity status to our Deposit Account 10-0435 with reference to our Matter No. 3220-73239.

Respectfully submitted,  
BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "James K. Blodgett", is written over a horizontal line.

James K. Blodgett  
Agent for Applicants  
Reg. No. 48,480

JKB:gl  
Indianapolis, IN  
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Express Mail No.: EV 287 981 738 US  
Mailed: August 5, 2003  
Applicant: Karen M. Haberstroh et al.  
Invention: NANO-STRUCTURED POLYMERS FOR USE AS  
IMPLANTS  
Attorney Docket: 3220-73239

EV287981738US

X Certificate Under 37 C.F.R. § 1.10  
X Utility Patent Application Transmittal Sheet  
X Fee Transmittal Form (in duplicate)  
X Patent Application (31 pages)  
X Drawing (1 page)  
X Unexecuted Declaration and Power of Attorney (3 pages)  
X Check for \$609.00

The stamp of the U.S. Patent & Trademark Office affixed hereto acknowledges receipt of the indicated papers.

BGA:KLM:jdh

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46204

CHECK NO: 328989

VOUCHER	INVOICE #	DATE	INVOICE DESCRIPTION	INVOICE AMT	AMOUNT PAID
335505	3220.73239	08-05-03	Fee to file Utility Patent Application  Express Mail No. EV 287 981 738 US	609.00	609.00

CHECK DATE

08/05/03

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